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DATE: February 10, 2006

PTO IDENTIFIER: Application Number 10/729,576-Conf. #9888
Patent Number

Inventor: Kirill Ostanin et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

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PAGES (Including Cover Sheet): 4

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Application No. (if known): 10/729,576

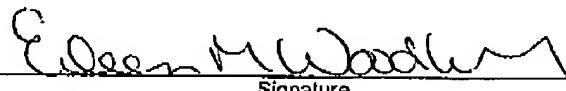
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Response to Restriction Requirement (with Traverse) (2 pages)

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Docket No.: 60409CON(50370)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kirill Ostanin et al.

Application No.: 10/729,576

Confirmation No.: 9888

Filed: December 1, 2003

Art Unit: 1646

For: **CELL SURFACE PROTEINS AND USE
THEREOF AS INDICATORS OF
ACTIVATION OF CELLULAR SIGNAL
TRANSDUCTION PATHWAYS**

Examiner: R. I.i

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Claims 1-42 are pending in the current application and the Examiner has required restriction between the following groups:

- I. Claims 1-38, which are drawn to methods for identifying a test compound that modulates a heterologous receptor, classified in class 435, subclass 7.1; and
- II. Claims 39-42, which are drawn to kits for screening test compounds that modulate a heterologous receptor, classified in class 435, subclass 325.

In response to the restriction requirement set forth in the Office Action mailed January 13, 2006, Applicants hereby provisionally elect claims 1-38 for continued examination, with traverse.

Applicants respectfully traverse the requirements for restriction and election, and submit that the requirements are improper.

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First, Applicants assert that the subject matter of these groups represent different embodiments of a single inventive concept for which a single patent should issue. The pending claims represent an intricate web of knowledge, continuity of effort, and consequences of a single invention, which merit examination of all of these claims in a single application. More particularly, a single, searchable, unifying aspect links all of the claims. This single, searchable, unifying aspect relates to the screening of compounds that modulate a heterologous receptor that is functionally integrated into a signal transduction pathway of a cell.

Second, Applicants submit that a sufficient search and examination with respect to the subject matter of all claims can be made without serious burden. As the M.P.E.P. states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803 (8th ed., Rev. No. 2, May 2004).

That is, even if the above-enumerated groups of claims are drawn to distinct inventions, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden. This is especially true where, as here, both groups of claims share the same class (class 435), and given the robust and extensive computerized search engines and databases at the Examiner's disposal. Accordingly, it is respectfully requested that the restriction requirement be reconsidered and the elected claims of Group I be rejoined with those of Group II so that claims 1-42 may be presently examined.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 04-1105.

Dated: February 10, 2006

Respectfully submitted,

By 
Melissa Hunter-Insor, Ph.D.

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